



Air Pollution Control Board

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COMPLIANCE ADVISORY

NOTICE OF AMENDMENTS TO REGULATION XIV – TITLE V OPERATING PERMITS

On August 13, 2003, the Air Pollution Control Board adopted amendments to Regulation XIV –Title V Operating Permits. Regulation XIV contains the rules necessary for the stationary source permit program mandated by the U.S. Environmental Protection Agency (EPA) under Title V of the 1990 Federal Clean Air Act Amendments. Title V requires states and local air districts to develop and implement a federal permit program for all major stationary sources of air contaminants. In San Diego County, a major source has actual or potential emissions equal to or greater than 100 tons per year of oxides of nitrogen (NO_x) or volatile organic compounds (VOC); 100 tons per year of particulate matter (PM), carbon monoxide, or sulfur oxides; 10 tons per year of any federally-listed hazardous air pollutant; or 25 tons per year of any combination of any federally-listed hazardous air pollutants. EPA approved the amended regulation on December 29, 2003. The amendments became effective on February 27, 2004.

The amendments reduced the applicability of the Title V Operating Permit Program by increasing the major source emission thresholds for NO_x and for VOC from 50 tons per year to 100 tons per year. This has reduced the number of facilities required to obtain Title V operating permits in San Diego County. The change in the major source emission thresholds was possible due to air quality improvements, in particular lower ozone levels, over the last two decades that have achieved attainment of the federal one-hour ozone standard. Other amendments to Regulation XIV further align the local program with federal requirements, state law, and local air permitting requirements, and make minor clarifications.

The Regulation XIV amendments accomplish the following:

- Definitions**
- Revises the definition of “major stationary source” to increase the emissions thresholds for NO_x and VOC to 100 tons per year, to exclude emissions from non-road engines, and to clarify that fugitive emissions are excluded except for: federal hazardous air pollutants; emissions from 27 categories specified by EPA and listed in the rule; and, as specified by future EPA rule.
 - Adds a definition of “non-road engine” to be the same as defined in federal regulations.

**Permit
Amendments
and
Modifications**

Clarifies that the Air Pollution Control District (District) will act on an application for administrative amendment within 60 days of application submittal or the applicant's demonstration of compliance with all applicable requirements, terms, and conditions of an enhanced Authority to Construct and District rules and regulations, whichever is later.

Specifies procedures for issuing amended permits.

Clarifies that a Title V permittee must first obtain any Authority to Construct, Permit to Operate, or Determination of Compliance required by District Rule 10 before making a minor Title V permit modification or a Section 502(b)(10) change.

Reduces the notification time for permittees to make Section 502(b)(10) changes from 45 days to 7 days. Notice must be provided to both the District and EPA, Region IX.

Provides that required compliance certifications, monitoring summaries, or deviation reporting be based on a qualifying Section 502(b)(10) change to the extent the change affects the permit terms and conditions.

Requires the District incorporate qualifying Section 502(b)(10) changes in subsequently renewed or revised Title V permits.

**Enhanced
Authorities to
Construct**

Clarifies compliance plan requirements for new or modified emission units, and modified permit terms and conditions, when applying for an Enhanced Authority to Construct.

Reduces from 45 to 30 days the public comment period on a proposed Enhanced Authority to Construct.

Specifies an applicant may commence operating under the terms of an Enhanced Authority to Construct provided operation is in compliance with applicable requirements, District rules, and the terms and conditions of the Authority to Construct, and the applicant has applied for an administrative amendment of the Title V permit.

**Reporting
Requirements**

Clarifies semi-annual reporting requirements to include summaries of the results of all required monitoring, and to identify any deviations from federally enforceable permit conditions, the probable cause of the deviations, and any corrective actions or preventative measures taken. A responsible official must certify such reports.

Effective Date of Permit Actions	Clarifies the effective date of permit actions. Administrative amendments are effective on the date of approval, all other permit approvals and modifications are effective on the date that notice of the action is given to the responsible official. This can be up to 30 days after any applicable EPA review, unless EPA objects to the permit action.
Periods for Public Review and Appeals	<p>Reduces from 45 to 30 days the period for publicly noticing a Title V permit action.</p> <p>Increases from 10 to 30 days the period during which a Title V permit action may be appealed to the Air Pollution Control District Hearing Board.</p> <p>Revises from 10 to 30 days the period for delaying submission of a permit action to EPA when an appeal is expected.</p>
Insignificant Emission Units	Revises Regulation XIV Appendix A, the list of insignificant emission units, to be consistent with current District Rule 11 – Exemptions from Rule 10 Permit Requirements.

Copies of amended Regulation XIV can be obtained by calling (858) 650-4700 or visiting the District's web site at <http://www.sdapcd.org> under Basic Information, Notices, Advisories. For more information, please call the District's Compliance Division at (858) 650-4550.